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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 BOAR INC., a Nevada Corporation;
9 KARL SNOWDON, individually and as
10 a shareholder and President of Boar,
11 Inc., MAVERICK SNOWDON,
12 individually and as a shareholder and
Director of Boar, Inc., SUZANNE
SNOWDON, individually and as a
shareholder and Secretary and Treasurer
of Boar, Inc.,

13 Plaintiffs,

14 vs.

15 COUNTY OF NYE, a Political
16 Subdivision of the State of Nevada and
17 doing business as the Nye County
Planning Department for the Pahrump
Regional Planning District; JACK
18 LOHMAN, individually and as Planning
19 Director of Nye County Planning
Department, RICHARD JOHNSON,
20 individually and as Manager of Nye
County Building Safety and Compliance,

21 Defendants.

2:08-CV-01091-PMP-RJJ

ORDER

22 Before the Court for consideration is Defendant Nye County's Motion for
23 Partial Summary Judgment on Plaintiffs' Ninth Cause of Action for Violations of
24 RICO (Doc. #133) filed January 12, 2011. Defendants Charles Abbott Associates,
25 Inc., Brent Steed, and Jimmy Floyd joined in Defendant Nye County's Motion (Doc.
26 #138) on January 26, 2011. Plaintiffs filed a Response in Opposition to Defendants'

1 Motion (Doc. #142) on March 2, 2011, to which moving Defendants filed Replies
2 (Doc. #145 & #146) on March 11, 2011.

3 The Parties are familiar with the facts, and the Court will not repeat them
4 except where necessary. Generally, this is a civil rights action in which Plaintiffs,
5 who are developers of property in Nye County, claim Defendants singled them out
6 for disfavored treatment and imposed permitting and compliance requirements on
7 them that they do not require of other, more favored builders and developers. This
8 case has been heavily litigated, and prior rulings of the Court have disposed of all
9 claims with the exception of Plaintiffs' RICO claim set forth as the Ninth Cause of
10 Action in Plaintiffs' Second Amended Complaint (Doc. #74). Defendants contend
11 there is no genuine issue of material fact as it relates to the remaining RICO cause of
12 action, and that summary judgment in favor of Defendants is warranted.

13 Defendants argue that Plaintiffs' RICO allegations are infirm because the
14 "predicate acts" Plaintiffs allege as "racketeering activity" are nothing more than
15 allegations of civil rights violations which have already been dismissed by this
16 Court, and that none of those acts fall within the ambit of Indictable acts as defined
17 in 18 U.S.C. §1961(1)(B). Defendants further argue that because Plaintiffs failed to
18 effectively plead racketeering activity on the part of Defendants, Plaintiffs'
19 allegation of conspiracy to commit racketeering violations must similarly fail. The
20 Court agrees.

21 Plaintiffs have failed to demonstrate genuine issues of material fact remain
22 which would provide a basis for a finding of RICO violations as alleged in
23 Plaintiffs' Ninth Cause of Action. Because Plaintiffs RICO claims lack evidentiary
24 support and Plaintiffs have not shown genuine issues of material fact regarding the
25 alleged conspiratorial conduct on the part of Defendants, the Court concludes
26 Defendants motion for summary judgement as to Plaintiffs' Ninth Cause of Action

1 must be granted.

2 **IT IS THEREFORE ORDERED** that Defendant Nye County's Partial
3 Motion for Summary Judgment on Plaintiffs' Ninth Cause of Action for Violations
4 of RICO (Doc. 133) as joined by Defendants Charles Abbott Associates, Inc., Brent
5 Steed, and Jimmy Floyd (Doc. #138) is **GRANTED**.

6 **IT IS FURTHER ORDERED** that the Clerk of Court shall forthwith
7 enter judgment in favor of Defendants and against Plaintiffs on Plaintiffs' Ninth
8 Cause of Action contained in Plaintiffs' Second Amended Complaint (Doc. #74).

9 It further appearing that resolution of this claim resolves all claims
10 pending in this case, the Clerk of Court shall docket this case as closed so as to
11 enable the Parties to pursue appellate relief should they choose to do so.

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13 DATED: March 21, 2011.

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16 PHILIP M. PRO
United States District Judge